

SCOTT N. SCHOOLS (SC 9990)  
Associate Deputy Attorney General  
Acting United States Attorney

KYLE F. WALDINGER (ILSB 6238304)  
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor  
San Francisco, California 94102  
Telephone: (415) 436-6830  
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-0337 MHP
	)	
Plaintiff,	)	
	)	PARTIES' JOINT REQUEST TO CONTINUE
v.	)	SENTENCING HEARING AND <del>[PROPOSED]</del>
	)	ORDER
JACQUELINE FROEHLICH-	)	
L'HEUREAUX,	)	
	)	
Defendant.	)	

The parties jointly request that, subject to the Court's approval, the sentencing hearing presently set for September 28, 2009, be continued and set for sentencing hearing on May 17, 2010, at 9:00 a.m. The United States has previously determined from reviewing the Court's publicly posted scheduling information that the Court is currently available for a hearing on that date. The assigned probation officer, Constance Cook, also has been consulted with respect to this date and has indicated that she is available on that date. The basis of the parties' joint request is set out in more detail below.

The defendant Jacqueline Froehlich-L'Heureaux pled guilty pursuant to a plea agreement on June 4, 2007, to one count of conspiracy to gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. § 371. The case was referred to the Probation Office for a presentence report. The plea agreement also includes

1 standard terms of cooperation.

2 In light of continuing cooperation under the terms of the plea agreement, the parties  
 3 jointly request that the September 28, 2009, sentencing hearing be continued for a sentencing  
 4 hearing on May 17, 2010. Additional time is needed for the defendant to complete her  
 5 cooperation with the government. Specifically, charges have now been filed against an alleged  
 6 co-conspirator of the defendant, David Nosal. The Nosal case is numbered CR 08-0237 MHP.  
 7 The Nosal case is set to proceed to trial on February 9, 2010. The defendant Froehlich-  
 8 L'Heureaux is expected to testify in that trial. Because Ms. Froehlich-L'Heureaux will be  
 9 required to testify at trial, her cooperation with the government's investigation is not yet  
 10 complete.

11 For all of these reasons, the parties jointly request that this Court vacate the sentencing  
 12 hearing presently set for September 28, 2009, and set a sentencing hearing for May 17, 2010, at  
 13 9:00 a.m. In addition, the parties jointly request that the due dates for the presentence report be  
 14 calculated using the new sentencing date.

15 SO STIPULATED.

16  
 17 Dated:

SCOTT N. SCHOOLS  
 Acting United States Attorney

18 Kyle F.

19 Waldinger

20 KYLE F. WALDINGER  
 Assistant United States Attorney

Digitally signed by Kyle F. Waldinger  
 DN: cn=Kyle F. Waldinger, o=United  
 States Attorney's Office, ou, email=kyle.  
 waldinger@usdoj.gov, c=US  
 Date: 2009.08.11 10:35:36 -07'00'

21  
 22 SO STIPULATED.

23 Dated:

Leland B.

24 Altschuler

LELAND B. ALTSCHULER

Attorney for defendant Froehlich-L'Heureaux

Digitally signed by Leland B.  
 Altschuler

Date: 2009.08.11 08:57:00

-07'00'

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING,

IT IS ORDERED that the sentencing hearing presently set for September 28, 2009, be continued to May 17, 2010, at 9:00 a.m. The final presentence report should be disclosed two weeks prior to the sentencing date.

Dated this 13th day August, 2009

